

**DRAFT**

**ENVIRONMENTAL  
IMPACT  
STATEMENT**

**FLOOD CONTROL**

**EAST GRAND FORKS, MINNESOTA  
GRAND FORKS, NORTH DAKOTA**

**U.S. ARMY CORPS OF ENGINEERS  
ST. PAUL DISTRICT**

**AUGUST 1998**

**Cultural Resources Programmatic Agreement Section Only**



**PROGRAMMATIC AGREEMENT  
AMONG  
THE U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
THE NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICER,  
AND THE MINNESOTA STATE HISTORIC PRESERVATION OFFICER  
REGARDING IMPLEMENTATION OF FLOOD PROTECTION MEASURES  
FOR THE CITIES OF GRAND FORKS, NORTH DAKOTA  
AND EAST GRAND FORKS, MINNESOTA.**

**[Revised Draft -- July 1998]**

WHEREAS, the U.S. Army Corps of Engineers, St. Paul District (Corps) is undertaking the planning and design of a system of levees and floodwalls to provide permanent flood protection for the cities of Grand Forks, North Dakota and East Grand Forks, Minnesota (Cities), as authorized by the reactivation of the flood protection planning, engineering, and design authority for the East Grand Forks, Minnesota, project which had been suspended in 1987; and

WHEREAS, the Corps proposes to construct a permanent flood protection system consisting of levees and floodwalls (Project) for the Cities in the years A.D. 1999 to 2004, provided Congress authorizes the Project under the Water Resources Development Act of 1998; and

WHEREAS, the Corps has determined that the Project will have an effect upon historic properties included in or eligible for inclusion in the National Register of Historic Places (National Register) and has consulted with the Advisory Council on Historic Preservation (Council), the North Dakota State Historic Preservation Officer (NDSHPO), and the Minnesota State Historic Preservation Officer (MNSHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act, (16 U.S.C. 470f), and Section 110(b) of the same act (16 U.S.C. 470h-2); and

WHEREAS, the City of Grand Forks, North Dakota, and the City of East Grand Forks, Minnesota (Cities), as non-Federal Sponsors of the Project under the cost-sharing requirements established in the Water Resources Development Act of 1986 (P.L. 89-72), and as the ultimate operators of the Project, participated in the consultation and have been invited to concur in this Programmatic Agreement; and

WHEREAS, because the City of Grand Forks is a Certified Local Government pursuant to 36 CFR Part 61, the Grand Forks Historic Preservation Commission (GFHPC) participated in the consultation and has been invited to concur in this Programmatic Agreement as an interested party; and



WHEREAS, the Corps has consulted with the Federal Emergency Management Agency, U.S. Fish and Wildlife Service, U.S. Natural Resources Conservation Service, U.S. Geological Survey, U.S. Environmental Protection Agency, the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, the North Dakota Game and Fish Department, the North Dakota Department of Health, and the North Dakota State Water Commission, in selecting the flood protection alternative and planning the proposed levee and floodwall alignments and other Project flood protection features; and

WHEREAS, the Corps and Cities have implemented an intensive program of public involvement in the selection of the flood protection alternative and the refinement of the levee and floodwall alignments making up this permanent flood protection system, and will provide the public and interested parties an opportunity to comment on the draft of this Programmatic Agreement and on cultural resources activities conducted and documents prepared pursuant to this PA (details provided in Appendix D); and

WHEREAS, the Corps will continue to consult with the Red Lake Band of Chippewa, the White Earth Band of Chippewa, and the Upper Sioux in Minnesota; the Spirit Lake Nation and the Turtle Mountain Chippewa in North Dakota; and the Sisseton-Wahpeton Dakota in South Dakota; to specifically solicit any concerns and comments they may have about the Project's potential effects on properties important to their history, culture, or religion, including traditional cultural properties; and

WHEREAS, the Corps considers the Project's Area of Potential Effect (APE) as including the construction zones and footprints of the proposed levees and floodwalls, plus associated road raises, tieback levees, coulee diversions, borrow areas, and other project-related features in Grand Forks County, North Dakota and Polk County, Minnesota, as well as the proposed greenway area riverward of the proposed levee and floodwall alignments in the Cities of Grand Forks and East Grand Forks (see Figures in Appendix B); and

WHEREAS, the Project's APE also includes two National Register eligible historic districts and a National Register listed multiple resource area in the City of Grand Forks, which extend up to five blocks landward of the proposed levee and floodwall footprints (see Figure in Appendix C); and

WHEREAS, the proposed greenway area is within the Project's APE and will serve as a Project floodway between the two Cities' permanent levee systems, the only project-related developments within the greenway area will be a system of recreational trails, installation of greenway and trail access points through and over the levees, construction of three or four removable, bank-to-bank low-flow bridges across the Red River, and erosion protection measures for the banks of the Red and Red Lake rivers; and



WHEREAS, the Corps considers that properties acquired by the Cities under their 1997 flood voluntary buy out programs using Hazard Mitigation Program funds from the Federal Emergency Management Agency (FEMA) and Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development (HUD) in the case of Grand Forks and State of Minnesota, Department of Economic Trade and Development funds (originally from HUD) in the case of East Grand Forks, are not part of the Project because these flood-damaged properties would have been bought out by the Cities regardless of whether the Project is built or not; and

WHEREAS, relocation or demolition of the historic properties acquired by the City of Grand Forks's buy out program using FEMA funds are covered under a Programmatic Agreement dated June 6, 1997 (*Programmatic Agreement Between North Dakota State Historic Preservation Officer, North Dakota Division of Emergency Management, and the Advisory Council on Historic Preservation*), which FEMA negotiated with the NDSHPO to cover that agency's and the City of Grand Forks's Section 106 responsibilities; and

WHEREAS, relocation or demolition of the historic properties acquired by the City of Grand Forks's buy out program using Community Development Block Grant funds from HUD are covered under a Programmatic Agreement dated August 5, 1997 (*Programmatic Agreement Between the U.S. Department of Housing and Urban Development, the City of Grand Forks, the Advisory Council on Historic Preservation, and the North Dakota State Historic Preservation Officer Regarding HUD Disaster Assistance to the City of Grand Forks*), which covers HUD's and the City of Grand Forks's Section 106 responsibilities; and

WHEREAS, the MNSHPO determined that none of the buildings and structures acquired by the City of East Grand Forks's buy out program were eligible for listing on the National Register, with their resultant removal or demolition thereby having "no effect" on historic properties; and

WHEREAS, if the Cities select flood protection alternatives or betterments to the Corps' proposed levee or floodwall alignments (National Economic Development [NED] Plan), and if those alternatives or betterments become part of the Project, then the Stipulations of this Programmatic Agreement apply to them as well; and

WHEREAS, the definitions given in Appendix A are consistent with definitions given in the Council's implementing regulations for Section 106 (36 CFR Part 800) and are applicable throughout this Programmatic Agreement;

NOW, THEREFORE, the Corps, the Council, the NDSHPO, and the MNSHPO agree that should the Corps and Cities proceed with the Project, the Corps will ensure that the following stipulations are implemented to satisfy the Corps' Section 106 and 110 responsibilities with respect to the Project.

## **STIPULATIONS**

The Corps will ensure that the following measures are carried out:



## **I. IDENTIFICATION AND EVALUATION**

A. The Corps will consult with the Minnesota and North Dakota SHPOs and concerned Indian tribes to complete the identification and evaluation of historic properties within the Project area. The SHPOs will provide comments on each cultural resources related scope of work within 30 days of receipt. Indian tribes will also have 30 days from receipt to comment on the cultural resources related scopes of work submitted to them.

B. The Corps will revise each scope of work to address comments and recommendations provided by the SHPOs and Indian tribes prior to proceeding with identification and evaluation activities.

C. The Corps shall ensure that qualified professionals meeting the *Secretary of the Interior's Guidelines for Archaeology and Historic Preservation* (48 FR 44738-39) are used to complete all identification and evaluation plans related to this Project, to include archeological surveys and testing, historic structure inventories and evaluation, and documentation, etc.

D. The Corps and the SHPOs shall consider the views of the public and interested parties in completing its identification and evaluation responsibilities.

E. The Corps shall maintain records of all decisions it makes related to the National Register eligibility of properties.

F. The Corps, in consultation with the appropriate SHPO, shall evaluate prehistoric archeological sites, historic archeological sites, architectural sites and traditional cultural properties using the National Register criteria given in 36 CFR Part 60.

G. If the Corps and the appropriate SHPO agree that the property is or is not eligible for inclusion on the National Register, then the property shall be treated accordingly.

H. If the Corps and the appropriate SHPO disagree regarding a property's National Register eligibility, or if the Council or the National Park Service so request, prior to the start of any Project-related work at or in the vicinity of that site, the Corps shall obtain a formal Determination of Eligibility from the National Park Service's Keeper of the National Register, whose decision shall be final.

I. Prior to initiation of Project-related construction activities, the Corps, in consultation with the MNSHPO and the NDSHPO, shall identify and evaluate:

### **1. Archeological Sites**

a. The Corps shall ensure that an archeological survey of the Project area, including associated borrow, disposal, and staging areas, as well as the proposed greenway area between



the two Cities, is conducted in a manner consistent with the *Secretary of the Interior's Standards and Guidelines for Identification* (48 FR 44720-23) and taking into account NPS publication *The Archeological Survey: Methods and Uses* (1978: GPO stock # 024-016-00091). The scope of work for the survey shall be coordinated with the applicable SHPO(s), and a report of the survey, meeting the standards of the respective SHPO(s), shall be submitted to that/those SHPO(s) for review and approval.

b. The Corps shall evaluate properties identified through the survey in accordance with 36 CFR Section 800.4(c). If the survey results in the identification of properties that are eligible for the National Register, the Corps shall comply with 36 CFR Section 800.5.

## **2. Architectural History Sites**

a. The Corps shall ensure that an inventory of all standing structures within the Project area will be conducted to determine which structures are or will be older than 50 years as of A.D. 1999, the proposed starting date for Project construction.

b. The Corps shall evaluate all properties identified through the architectural inventory in accordance with 36 CFR Section 800.4(c). Properties to be evaluated will be recorded on the appropriate State's architectural site form and evaluated using the State's historic contexts. If the inventory results in the identification of properties that are eligible for the National Register, the Corps shall comply with 36 CFR Section 800.5.

## **3. Burials**

a. Because there are historic reports of prehistoric human burials in the Project vicinity on both sides of the Red River of the North, the Corps will consult with the North Dakota Intertribal Reinterment Committee, the Minnesota State Archaeologist, and the Minnesota Indian Affairs Council regarding the provisions of the scope of work for any archeological survey or archeological site evaluation work where there is the potential for burials to exist.

b. If any human burials are encountered during the archeological investigation of the Project area, the Corps will follow the appropriate State's laws pertaining to human burials to the extent that State law is not inconsistent with Federal law and regulations. In North Dakota, the applicable laws are North Dakota Century Code 23-06-27, "Protection of Human Burial Sites, Human Remains, and Burial Goods" and Chapter 40-02-03 "Protection of Prehistoric and Historic Human Burial Sites, Human Remains, and Burial Goods." In Minnesota, the applicable law is Minnesota State Statute 307.08, "Damages; Illegal Molestation of Human Remains; Burials; Cemeteries; Penalty."

## **4. Traditional Cultural Properties**

a. The Corps will consult with the Red Lake Band of Chippewa, the White Earth Band of Chippewa, and the Upper Sioux in Minnesota; the Spirit Lake Nation and the Turtle Mountain



Chippewa in North Dakota; and the Sisseton-Wahpeton Dakota in South Dakota; to identify sites one or more of these tribal groups believes to be traditional cultural properties (TCPs) and eligible for listing in the National Register per National Park Service Bulletin 38 *Guidelines for Evaluating and Documenting Traditional Cultural Properties*.

b. In the event that an Indian tribe or other ethnic group contacts the Corps regarding its recognition of a TCP within the Project's Area of Potential Effect, the Corps shall notify the appropriate SHPO(s) and initiate discussions with all concerned parties to evaluate whether the property is a TCP which meets the National Register criteria.

c. Should the Corps and the Red Lake Band of Chippewa, the White Earth Band of Chippewa, the Upper Sioux, the Spirit Lake Nation, the Turtle Mountain Chippewa, the Sisseton-Wahpeton Dakota, or other ethnic group disagree about the eligibility of a traditional cultural property, the Corps will request a formal determination of eligibility from the Keeper of the National Register in accordance with 36 CFR Section 800.4(c).

## **5. Historic Districts or Multiple Resource Areas**

a. The Corps will ensure that the evaluation of archeological and architectural sites in the Project area will determine if they belong to an existing or new historic district or multiple resource area (MRA).

b. The Corps will consult with the appropriate SHPO to identify the adverse effects of the Project on the East Side Residential Historic District, the Riverside Park Historic District, and the Downtown Grand Forks Multiple Resource Area, as well as any other historic districts or MRAs within the Project's area of potential effect.

## **6. Historic Landscapes and Viewsheds**

a. The Corps will consult with the MNSHPO and the NDSHPO to identify and evaluate any historic landscapes and viewsheds that may exist within the Project's area of potential effect. The Corps and SHPOs will utilize National Park Service Bulletins 18, *How to Evaluate and Nominate Designed Historic Landscapes*, and 30, *Guidelines for Evaluating and Documenting Rural Historic Landscapes*, in helping determine the National Register eligibility of any potential historic landscapes or viewsheds identified.

J. The Corps shall ensure that the identification and evaluation of historic properties that may be affected by the Project are completed prior to the initiation of any formal action by the Corps on those properties including relocation, demolition, etc.



## **II. INTERIM PROTECTION OF PROPERTIES**

A. As the Cities acquire historic properties as part of the Project, the Corps and Cities shall take appropriate measures to preserve and protect those properties pending their ultimate disposition and treatment and to ensure that historic properties are not inadvertently demolished or damaged.

B. Treatment and ultimate disposition of historic properties acquired under the City of Grand Forks's 1997 flood buy out program using FEMA or CDBG funds, are covered under Programmatic Agreements between FEMA and the NDSHPO and between HUD, the City of Grand Forks, and the NDSHPO, and are not considered part of this proposed flood protection Project undertaken by the Corps.

C. The Corps will handle any human burials discovered during the construction phase of the Project according to the provisions of the appropriate State's burial laws to the extent that State law is not inconsistent with Federal law and regulations (see Stipulation I.I.3).

## **III. TREATMENT OF HISTORIC PROPERTIES**

The Corps will adhere to the following guidelines when dealing with historic properties in the Project's area of potential effect.

A. Avoidance. The preferred treatment for all archeological, historical, and architectural historic properties is avoidance of effects by the Project. The Corps shall, to the extent feasible, avoid historic properties either through Project design changes, use of temporary fences or barricades during construction, realignments, landscaping, or other measures that will protect historic properties.

B. Reduction of Effects on Properties Preserved In Place. When the Corps and the appropriate SHPOs agree that complete avoidance of historic properties is not feasible, the Corps shall explore ways to reduce the extent of the adverse effects on the properties. Exploration of ways to reduce adverse effects will include the consideration of preservation in place of historic properties through partial avoidance of the property or the protection of historic properties against impacts by Project-related activities in close proximity to the property.

C. Alteration/Floodproofing. The Corps shall ensure that alterations to historic buildings or structures required for floodproofing adhere to the recommended approaches in the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties*. The Corps shall coordinate proposed floodproofing plans with the appropriate SHPO and interested parties and take their comments and recommendations into consideration when deciding on the treatment plan.

D. When the Corps, in consultation with the appropriate SHPO, determines that Project activities will have an adverse effect on buildings, structures, sites, districts, or MRAs, and that avoidance



or in place preservation is not feasible, the Corps shall ensure that a mitigation plan is developed for these properties in accordance with Stipulation IV.

E. The Corps shall ensure that qualified professionals meeting the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44738-39) are used to develop and implement all treatment plans.

F. Unless the SHPO objects within 30 days of receipt of any plan, the Corps shall ensure that the treatment plans are implemented by the Corps or its representative(s). The Corps shall revise treatment plans to address comments and recommendations provided by the SHPO(s).

G. Buildings and Structures. When avoidance or preservation in place is not feasible, treatment plans for National Register listed or eligible buildings and structures shall adhere to the following guidelines:

1. Acquisition.

a. The buildings located within the proposed levee and floodwall construction corridors (levee or floodwall footprint plus 20 feet either side) and riverward of them shall be acquired by the City of Grand Forks or the City of East Grand Forks as part of the their 25 percent cost share for this flood protection project. The Cities will follow the Corps' regulations EP 405-1-2, *Disposal of Real Property*, for all historic buildings and structures which the Corps determines must be removed in order to provide flood protection to the Cities as part of this Project.

b. Once the historic building or structure has been acquired by the City and prior to any further actions on the building, the Corps will ensure that it is documented in accordance with Stipulation IV.C.1 in order to comply with Section 110(b) of the National Historic Preservation Act.

2. Relocation. The Corps shall determine, in consultation with the SHPO, the Cities, the GFHPC, and interested parties, whether it is feasible and prudent to move the historic building or structure to a new location where it can be preserved.

3. Property Transfer/Marketing.

a. If the historic building or structure has salvage value, the City shall first offer it back to the original owner at the salvage value. If the original owner buys it back, he or she has to move it within a specified time frame.

b. If the original owner decides not to buy it, the City will either put it up for public auction or accept sealed bids for it. Prior to advertising the historic properties for bids, the Corps and Cities shall consult with the SHPOs to determine the distribution and duration of the advertising. The high bidder on a historic building or structure will then be responsible for moving it within a specified time frame.



c. If no one makes an offer for a historic building or structure, then it becomes a construction clearing item. This means that the building or structure will be dealt with in accordance with Stipulation III.G.4 of this PA.

4. Demolition. If relocation is not feasible or if there are no offers for the historic building or structure, the Corps shall consult with the SHPO and interested parties to evaluate alternatives in accordance with Stipulation IV.C.1.

5. New Construction. The Corps shall ensure that the Project design for new construction is compatible with the historic and architectural qualities of the historic property or district in question in terms of scale, massing, color, and materials, and is responsive to the recommended approaches to new construction set forth in the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (National Park Service 1983), and that the design and specifications for new construction at a historic property or district are developed in consultation with the SHPO and submitted to the SHPO for approval.

H. Archeological Sites. When avoidance or preservation in place of archeological properties is not feasible, a data recovery plan shall be prepared by the Corps in consultation with the appropriate SHPO and concerned Indian tribes. Mitigation plans for archeological sites eligible to the National Register under criteria other than or in addition to criterion D shall be developed in accordance with Stipulation IV.C.3. Data recovery plans for archeological sites that are eligible to the National Register solely under criterion D shall be developed using the following guidelines.

1. Archeological Data Recovery. The Corps shall ensure that any historic property whose preservation in place is not feasible and that is eligible to the National Register solely under criterion D, i.e., having the potential to yield information important to prehistory or history, is subjected to data recovery, based on a data recovery plan developed in consultation with the respective SHPO, concerned tribes, and interested parties. All data recovery plans shall be consistent with the *Secretary of the Interior's Standards and Guidelines for Archeological Documentation* (48 FR 44734-37) and take into account the Council's publication: *Treatment of Archeological Properties*. Each data recovery plan shall specify, at a minimum:

- a. The property, properties, or portions of properties where data recovery is to be carried out;
- b. The research questions to be addressed through the data recovery, with an explanation of their relevance and importance;
- c. The methods to be used, with an explanation of their relevance to the research questions;
- d. The methods to be used in analysis, data management, and dissemination of data, including a schedule;



- e. The proposed disposition of recovered materials and records;
  - f. Proposed methods for involving the interested public in the data recovery;
  - g. Proposed methods for disseminating results of the data recovery to the interested public;
- and
- h. A proposed schedule for the submission of progress reports to the NDSHPO, the MNSHPO, the Council, and where applicable, concerned tribes and interested parties.

2. The Corps shall ensure that each data recovery plan is submitted to the respective SHPO, the Council, and any tribes and interested parties whose interests pertain to the property involved for 30 days review. Unless the SHPO, a tribe or an interested party objects within 30 days after receipt of the data recovery plan, the Corps shall ensure that it is implemented. Objections to data recovery plans shall be resolved in accordance with Stipulation X, after which the Corps shall implement the results of the objection resolution process.

I. Burial Sites. If human remains and/or associated grave goods are encountered in the Project area during either the historic properties identification, evaluation or mitigation activities or during Project construction, the Corps shall follow the appropriate State's burial laws to the extent that State law is not inconsistent with Federal law and regulations (see Stipulation I.I.3.b). The Corps shall develop a treatment plan for the burial(s) in consultation with the Council and the NDSHPO and the North Dakota Intertribal Reinterment Committee if the burial occurs in North Dakota or the Council, the MNSHPO, the Minnesota State Archaeologist and the Minnesota Indian Affairs Council if the burial occurs in Minnesota.

J. Traditional Cultural Properties.

1. If a Traditional Cultural Property is identified within the Project's area of potential effect, the Corps shall develop a treatment plan for the TCP in consultation with the Indian tribe or ethnic group that could be affected by Corp's proposed Project activity at the specific historic site or property involved. The plan will cover analysis of treatment options and selection of a recommended treatment for the TCP and the measures which will be undertaken by the Corps to ensure that the plan is implemented.

2. Access to TCP's within the proposed levee and floodwall construction zone (levee or floodwall footprint plus 20 feet either side) will not be allowed during construction for safety reasons. Access to TCP's located within the Project's area of potential effect but outside of the project construction zone will be accessible during construction.

3. The Corps shall submit the final plan to the SHPO and to the affected Indian tribe or ethnic group and shall implement the plan in accordance with the procedures outlined in the plan, if formal objections are not received within 30 days following its distribution.

4. If the Corps, the SHPO, and the affected Indian tribe or ethnic group cannot resolve the objection, the Corps shall request the comments of the Council in accordance with Stipulation X of this PA.



K. Curation. The Corps or its representative, in consultation with the appropriate SHPO, shall ensure that all materials and records resulting from the survey, evaluation, and data recovery conducted for the Project will be curated in accordance with 36 CFR Part 79 "Curation of Federally-Owned and Administered Archeological Collections." All material and records recovered from non-Federally owned land shall be maintained in accordance with 36 CFR Part 79 until their analysis is complete and, if necessary, are returned to their owner(s).

#### **IV. MITIGATION OF ADVERSE EFFECTS TO HISTORIC PROPERTIES**

A. The Corps shall provide the appropriate SHPO with a report summarizing the alternatives considered to avoid adverse effects to historic properties. In the report, the Corps will propose measures that will avoid, minimize, or mitigate adverse effects to those properties.

B. The Corps in consultation with the SHPO will develop standard mitigation measures to be used in mitigating adverse effects to specific historic properties or property types as a result of the Project. Once the Corps and SHPOs have agreed on these measures, a Standard Mitigation Agreement will be filed with the Council for this Project.

C. Standard mitigation measures to be considered include, but are not limited to, the following:

1. Documentation.

a. In order to meet their Section 110(b) of the National Historic Preservation Act responsibilities, the Corps shall consult with the SHPO(s) regarding the appropriate level of documentation prior to the substantial alteration, relocation, or demolition of any historic building or structure. Documentation shall be consistent with the *Secretary of the Interior's Standards for Architectural and Engineering Documentation* and the *Secretary of the Interior's Standards for Historical Documentation*.

b. Unless otherwise agreed to by the SHPO(s), the Corps shall ensure that all documentation is completed and accepted by the SHPO(s) prior to the demolition, alteration, or relocation of the historic building or structure.

2. Transfer or Conveyance Without Preservation Covenants. In instances where the historic properties will not be conveyed or transferred with preservation covenants, the Corps shall record these properties to SHPO standards and provide prospective owners of the properties with information about federal Preservation Tax Incentives for Historic Buildings listed or in the process of being listed on the National Register of Historic Places, sources of funding for historic properties, and information regarding rehabilitation of historic properties including the Secretary of the Interior's Standards. Prior to demolition, relocation, or substantial alteration of historic properties, the Corps, in consultation with the SHPO, shall develop a plan to transfer and convey the historic property without covenants. The Corps shall submit the plans to the SHPO for review and approval.



3. Data Recovery for Archeological Sites Eligible Under Other Than Criterion D. The Corps shall consult with the appropriate SHPO, Indian tribes, and interested parties to develop a mitigation plan for any archeological site whose preservation in place is not feasible and that is eligible to the National Register under criteria other than or in addition to criterion D, i.e., is eligible due to an association with significant historic events (criterion A), an association with significant persons (criterion B), or embodies the distinctive characteristics of a period, type or method of construction (criterion C). The Corps shall submit the plan to the SHPO for review and approval.

4. Salvage and Donation of Significant Architectural Elements. Prior to demolition, partial demolition, or substantial alteration of historic buildings or structures, the Corps, in consultation with the SHPO, shall develop a salvage and donation plan to identify appropriate parties willing and capable of receiving and preserving the salvaged significant architectural elements. The Corps shall submit the plans to the SHPO for review and approval.

5. Off-site Mitigation for the Loss of a Historic Property. The Corps, with the approval of the SHPO, may preserve similar property types or sites outside the Project's area of potential effect in lieu of preservation of properties that cannot be preserved in place due to flood protection requirements of the Project. The Corps and the SHPO will consult to develop appropriate easements, covenants and other mechanisms for the protection of these off-site properties, if such mechanisms will work. Prior to the demolition of historic properties within the Project area, the Corps, in consultation with the SHPO and interested parties, shall develop an off-site mitigation plan to compensate for the loss of historic properties. The Corps shall submit the plans to the SHPO for review and approval.

6. Alteration and Floodproofing Activities Not Adhering to the Standards. The Corps shall consult with the SHPO to develop alternate treatment or mitigation plans for those features which cannot meet the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties*. The Corps shall submit the plans to the SHPO for review and approval.

## **V. INTERPRETIVE EXHIBIT**

A. In order to mitigate the cumulative effects of the Project on historic properties, the Corps shall consult with the MNSHPO, the NDSHPO, the GFHPC, and the Cities to develop a plan for the creation of an interpretive exhibit (e.g., kiosk panels, a film or video, school curriculum, brochures, models or dioramas, etc.) incorporating the findings of archeological investigations, HABS/HAER documentation, and other mitigation measures conducted as a result of the Project.



B. The Corps shall ensure that the scope of work to design and construct the exhibit is submitted to the SHPOs, the GFHPC, the Cities, concerned tribes and interested parties whose interests pertain to the properties involved for 30 days review. Unless a SHPO, the GFHPC, a tribe, or an interested party objects within 30 days after receipt of the exhibit design scope of work, the Corps shall ensure that it is implemented. Objections to the exhibit design shall be resolved in accordance with Stipulation X, after which the Corps shall implement the results of the objection resolution process.

C. The Corps shall consult with the SHPOs, the Cities, and the public to ensure that the exhibit is publicly accessible and has appropriate management and maintenance. Once the exhibit is developed, it will be turned over to the Cities for management and maintenance by them or their designated representative.

D. The Corps, in consultation with the Cities and the SHPOs, shall develop and disseminate a press release to publicize the interpretive exhibit and its connection with the Project.

## **VI. DISCOVERIES DURING PROJECT IMPLEMENTATION**

A. Should an unidentified property that may be eligible for inclusion in the National Register be discovered during Project construction, the Corps will cease all work in the vicinity of discovered property until it can be evaluated pursuant to guidelines in Stipulation I of this Programmatic Agreement. If the property is determined to be eligible, the Corps shall comply with the provisions of 36 CFR Section 800.11. Project actions which are not in the area of the discovery may proceed while the consultation and any necessary evaluation and mitigation work is conducted.

B. Should a previously unidentified human burial be discovered during Project construction, the Corps will follow the appropriate State's burial laws to the extent that State law is not inconsistent with Federal law and regulations (see Stipulation I.I.3 above).

## **VII. EMERGENCY ACTIVITIES**

A. The Corps shall consider an emergency to exist when a structure, building, or site poses an imminent threat to life, safety, or property. Such situations should require an immediate response (30 days or less) based upon the findings of an engineer, architect, emergency response professional, or project manager, representing the Corps or the Cities. If an action is not required by the Corps within thirty days or less, the Project activity shall not be considered an emergency and should be reviewed under the terms of this PA.

B. The Corps shall immediately notify the appropriate SHPO(s) of any such emergency and the proposed response and request a written approval within five (5) business days unless the nature of the emergency does not allow for such a delay. The Corps shall submit relevant background information including current photographs, engineering or structural reports, local citations, etc. If



an immediate response is required, the Corps shall undertake the action and subsequently provide the SHPO(s) with documentation. If the SHPO(s) fail to respond within five (5) business days, the Corps may assume concurrence with its proposed response and proceed.

## **VIII. COORDINATION OF REVIEWS**

A. The Corps shall submit all plans, documents, reports, and materials to the MNSHPO and/or NDSHPO for a 30-day review period unless otherwise stipulated in this PA. If the SHPO fails to comment within the specified time, the Corps must request the Council's comments unless the PA provides for the Corps to assume the SHPO's concurrence when the 30-day review period has elapsed.

B. When interested parties or Indian tribes are participating in the review of activities or actions outlined in this PA, the Corps shall ensure that all interested parties or Indian tribes are provided documentation at the time it is forwarded to the SHPO(s) and afforded a 30-day review period. As appropriate, the Corps shall submit the comments of interested parties to the SHPO(s) to facilitate further consultation.

C. If after consulting with the SHPO(s) and interested parties for a period of 90 days on any action or activity provided for in this PA, the Corps or SHPO concludes there is no progress in developing treatment and mitigation plans or other documents required by this PA, the Corps or SHPO(s) may notify the Council and request the Council's involvement to expedite completion of the consultation process.

D. The Corps shall ensure that all submissions to the SHPOs, interested parties, Indian tribes, and the Council include all relevant information to facilitate their review. The Corps shall provide all additional information requested by the SHPO(s), interested parties, Indian tribes, or the Council within a timely manner unless the signatories to this PA agree otherwise.

E. The Corps shall ensure that all draft and final reports resulting from actions pursuant to the Stipulations of this PA will be provided to the appropriate SHPOs, and upon request, to other interested parties and will identify the Principal Investigator responsible for the report. All reports will be responsive to contemporary SHPO report standards. Precise locational data may be provided only in a separate appendix if it appears that its release could jeopardize archeological sites consistent with National Register Bulletin 29, *Guidelines for Restricting Information about Historic and Prehistoric Resources*.

### **F. SHPO Review of Treatment and Mitigation Plans.**

1. The Corps shall ensure that all treatment and mitigation plans are submitted to the appropriate SHPO(s) for review and comment. The Corps shall also obtain the comments of all interested parties, affected landowners, Indian tribes, and appropriate local interest groups during the development of treatment and mitigation plans and Standard Mitigation Agreements. All comments shall be made available to the SHPOs with a recommendation from the Corps regarding the need for further consultation among all parties.



2. If the Corps and SHPO do not concur on the adequacy, appropriateness, or extent of treatment and mitigation plans or Standard Mitigation Agreements (SMA), the Corps and SHPO shall consult in an attempt to resolve the disagreement. If the disagreement cannot be resolved within 90 days after the start of consultation on a particular plan or SMA, the Corps will follow Stipulation X.

G. If the Corps proposes revisions or addenda to SHPO-approved treatment and mitigation plans or other documents, the Corps and SHPO(s) shall consult to determine whether additional conditions or mitigation measures are appropriate.

H. The Corps shall certify in writing that all requirements for identification and evaluation, and the implementation of treatment and mitigation plans have been satisfactorily completed prior to the initiation of construction activities for a specified portion of the Project. The Corps shall submit a copy of this certification to the SHPO by certified mail. The SHPO shall have 30 days to object to the certification based on the SHPO's finding of incomplete compliance or inadequate compliance with the terms of this PA. If the SHPO does not object in 30 days, the Corps may proceed with construction for the specified segment of the Project.

I. The Corps shall ensure that all Project-related cultural resources scopes of work or construction contract specifications incorporate the applicable stipulations of this PA or treatment and mitigation plans prepared pursuant to the PA so that the prospective Contractor is aware of any historic preservation or cultural resources mitigation activities they will have to incorporate into their work as part of the contract. The Corps shall meet with the Contractor prior to the start of work and shall monitor work in progress to ensure that the Contractor is complying with all provisions of the contract.

## **IX. PUBLIC INVOLVEMENT**

A. The Corps shall develop a plan in consultation with the SHPOs and the GFHPC to make copies of this PA and relevant documentation prepared pursuant to the terms of this PA available for public inspection. Information on the locations of archeological sites will be withheld in accordance with the Freedom of Information Act and National Register Bulletin 29 if it appears that this information could jeopardize archeological sites. Any comments received from the public under this PA shall be taken into account by the Corps.

B. Copies of the draft Programmatic Agreement will be made available for public inspection during the August to September 1998, 45-day public review and comment period for the Draft East Grand Forks/Grand Forks Flood Protection General Reevaluation Report (DGRR) and Draft Environmental Impact Statement (DEIS). Copies of the DGRR and DEIS will be sent to the public libraries in Grand Forks County, North Dakota and Polk County, Minnesota. A notice of availability will be published in the *Grand Forks/East Grand Forks Flood Protection Update* newsletter and information will be provided to the *Grand Forks Herald* that these documents are available for review and comment. The U.S. Environmental Protection Agency routinely publishes a notice of availability for DEIS's in the *Federal Register*. Similar measures will be used to



inform the public of the availability of the final GRR and EIS, which latter will include the finalized PA for this Project.

C. Copies of treatment and mitigation plans, technical reports, and documentation prepared pursuant to the terms of this PA shall be made available for public inspection at the Minnesota and North Dakota State Historic Preservation Offices, with the Grand Forks Historic Preservation Commission, with the City of Grand Forks Office of Urban Development, and with Floan & Sanders, City Engineers for the City of East Grand Forks.

D. The Corps shall make annual presentations to the Grand Forks Historic Preservation Commission and the interested public on the status of completed, ongoing, and upcoming Project-related cultural resources work conducted pursuant to this PA, to be given through the end of project construction in the year 2005.

E. Public Objections. The Corps shall review and attempt to resolve timely and substantive public objections or comments related to the implementation of the PA or other historic preservation issues. Public objections and comments shall be considered timely when they are provided within the review periods specified for the particular document. The Corps shall consult with the objecting party, the SHPOs, and as appropriate with the Council, to resolve objections. Project actions which are not the subject of the objection may proceed while the consultation is conducted.

## **X. DISPUTE RESOLUTION**

A. Should the NDSHPO, the MNSHPO, or an Indian tribe object within 30 days after receipt to any plans, documents, or reports required under the terms of this PA, the Corps shall consult with the objecting party to resolve the objection. If the Corps determines that the objection cannot be resolved, the Corps shall forward all documentation relevant to the dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council will either:

1. Provide the Corps with recommendations, which the Corps will take into account in reaching a final decision regarding the dispute; or
2. Notify the Corps that it will comment pursuant to 36 CFR Section 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the Corps in accordance with 36 CFR Section 800.6(c)(2) with reference to the subject of the dispute.

B. Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute. The Corps' responsibility to carry out all actions under this agreement that are not the subject of the dispute will remain unchanged.



## **XI. MONITORING**

A. Upon execution of the Project Cooperation Agreement, the Corps shall prepare annual reports summarizing the status of compliance with the terms of this Programmatic Agreement and a summary of the completed activities for the past year and the proposed activities for the next year to the SHPOs, Council, Cities, GFHPC, and interested parties. Reports shall be submitted by January 31 of every year. The Annual Reports shall be provided to the SHPOs, Council, GFHPC and interested parties until the Project-related construction and landscaping activities are complete (currently estimated to be the year 2005).

B. The NDSHPO, the MNSHPO, and the Council may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested. The Corps will cooperate with the Council, the NDSHPO, and the MNSHPO in carrying out their monitoring and review responsibilities.

## **XII. AMENDMENTS**

Any party to this Programmatic Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 CFR Section 800.13 to consider such amendment.

## **XIII. TERMINATION**

Any party to this Programmatic Agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the Corps will comply with 36 CFR Sections 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

## **XIV. ANTI-DEFICIENCY PROVISION**

All obligations on the part of the Corps shall be subject to the availability and allocation of appropriated funds for such purposes. Should the Corps be unable to fulfill the terms of this agreement, it will immediately notify the Council, the NDSHPO, and the MNSHPO and consult to determine whether to amend or terminate the Programmatic Agreement pending the availability of resources.

## **XV. SUNSET CLAUSE**

This Programmatic Agreement will continue in full force and effect until the construction of the Project is complete and all terms of this PA are met, unless the Project is terminated or authorization is rescinded.

Execution and implementation of this Programmatic Agreement evidences that the Corps has



satisfied its Section 106 and 110 responsibilities for all aspects of this undertaking.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
John M. Fowler, Executive Director

ST. PAUL DISTRICT, U.S. ARMY CORPS OF ENGINEERS

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Col. Kenneth S. Kasprisin, District Engineer

NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICER

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Samuel Wegner, State Historic Preservation  
Officer

MINNESOTA STATE HISTORIC PRESERVATION OFFICER

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Nina Archabal, Director, Minnesota Historical  
Society

Concur:

CITY OF GRAND FORKS

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Patricia Owens, Mayor



CITY OF EAST GRAND FORKS

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Lynn Stauss, Mayor

GRAND FORKS HISTORIC PRESERVATION COMMISSION

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Marsha Gunderson, Chairperson



## **PROGRAMMATIC AGREEMENT**

### **APPENDIX A**

#### **DEFINITIONS**

Area of Potential Effect: “Area of potential effect” means the geographic area or areas within which an undertaking could cause adverse effects on historic properties, if any such properties exist.

Consultation: “Consultation” means the process of seeking and considering the views of other participants in a manner appropriate to the particular participants and the specific steps in the Section 106 process.

Council: “Council” means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.

Effect: “Effect” means alteration to the characteristics of a historic property that qualified it for inclusion in or eligibility for the National Register.

Evaluation: “Evaluation” means the systematic, professional examination of a historic property in sufficient detail to evaluate it against National Register eligibility criteria. The criteria used to evaluate properties are found in 36 CFR Part 60.

Historic Property: “Historic property” means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register. This term includes artifacts, records, and remains that are related to and located within such properties. This term includes properties of traditional religious and cultural importance to an American Indian tribe that meet the National Register criteria. The term “eligible for inclusion in the National Register” includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register listing criteria.

Indian Tribe: “American Indian tribe” means an Indian tribe, band, nation, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Interested Party: “Interested party” means those organizations and individuals that are concerned with the effects of an undertaking on historic properties.

Inventory: “Inventory” means a systematic process to identify all historic properties located within the project area. Inventories are accomplished by means of documentary and archival review, systematic field reconnaissance, and/or survey investigation.



National Register: “National Register” means the National Register of Historic Places maintained by the Secretary of the Interior.

National Register Criteria: “National Register criteria” means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR Part 60).

SHPO: “State Historic Preservation Officer” means the official appointed or designated pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State historic preservation program or a representative designated to act for the State Historic Preservation Officer.

Traditional Cultural Property: A “Traditional Cultural Property” (TCP) is a property that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community (National Register Bulletin 38, page 1).

Undertaking: “Undertaking” means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those financed in whole or in part with Federal financial assistance; those requiring a Federal permit, license, or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

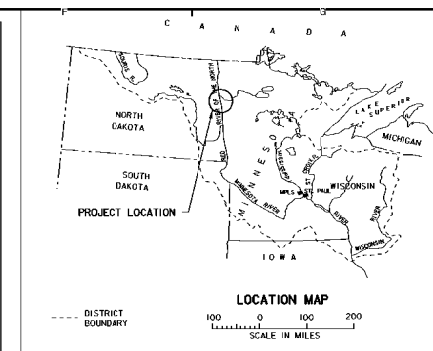
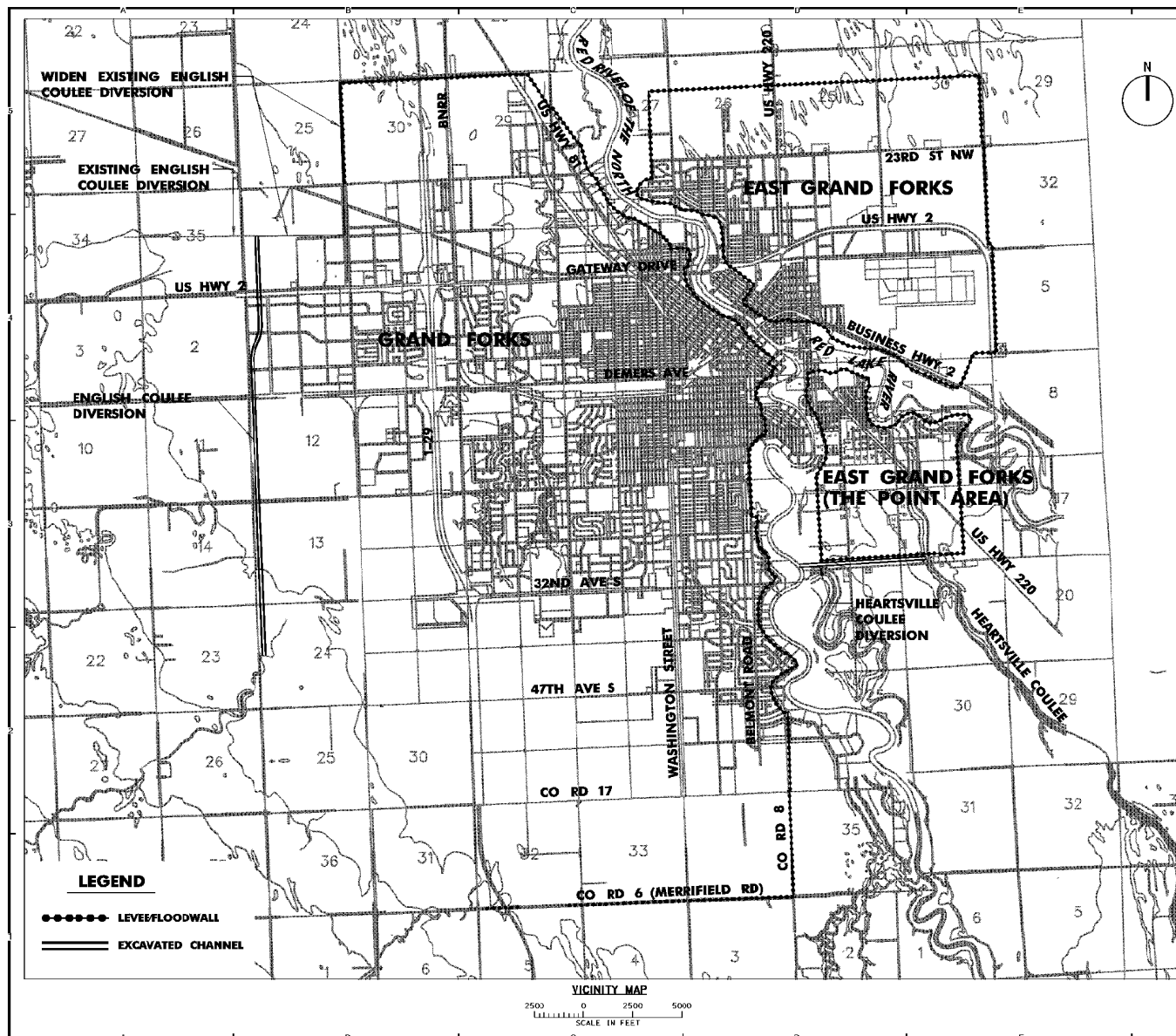


**PROGRAMMATIC AGREEMENT**

**APPENDIX B**

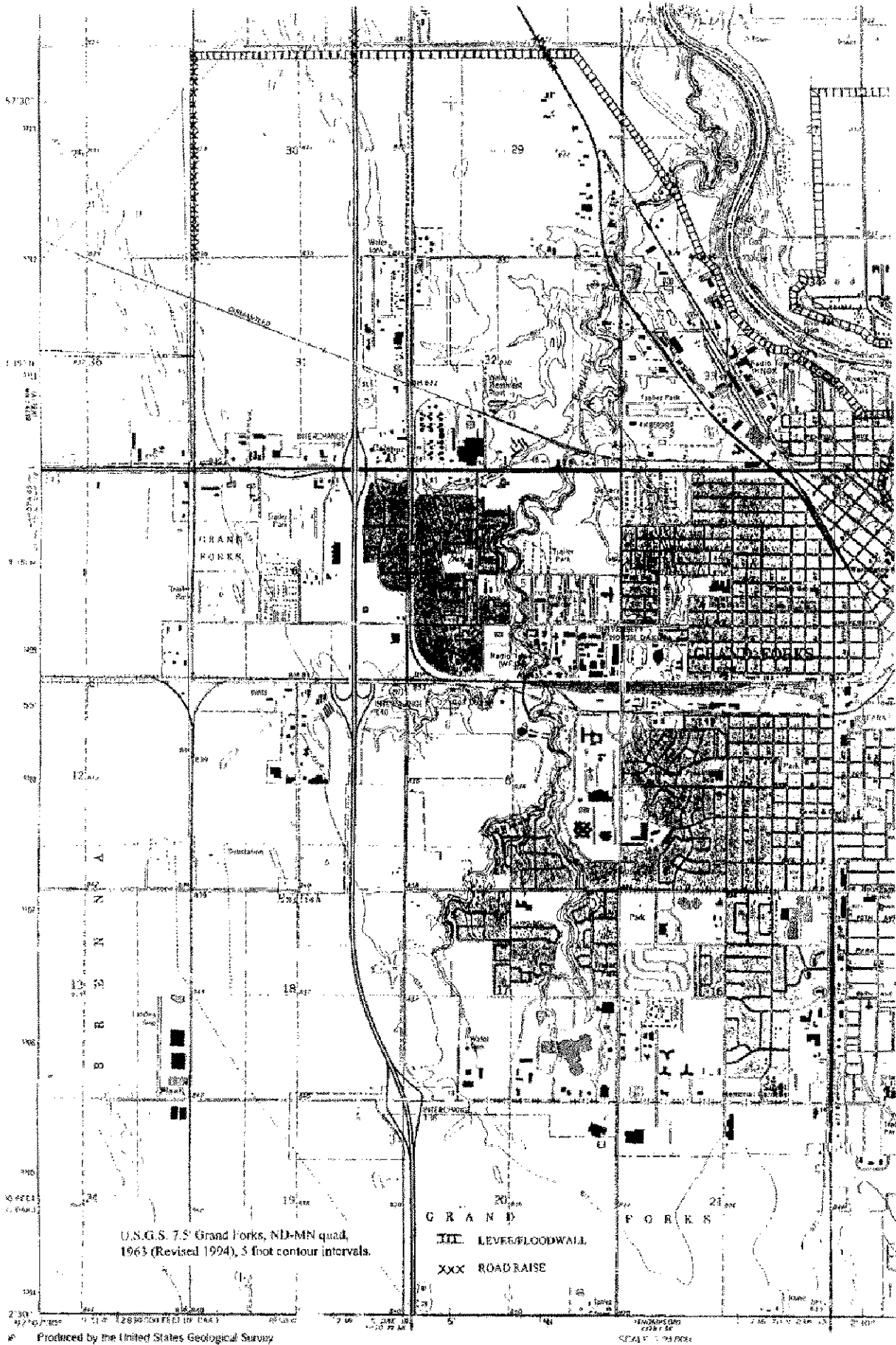
**FIGURES SHOWING PROJECT FEATURES**



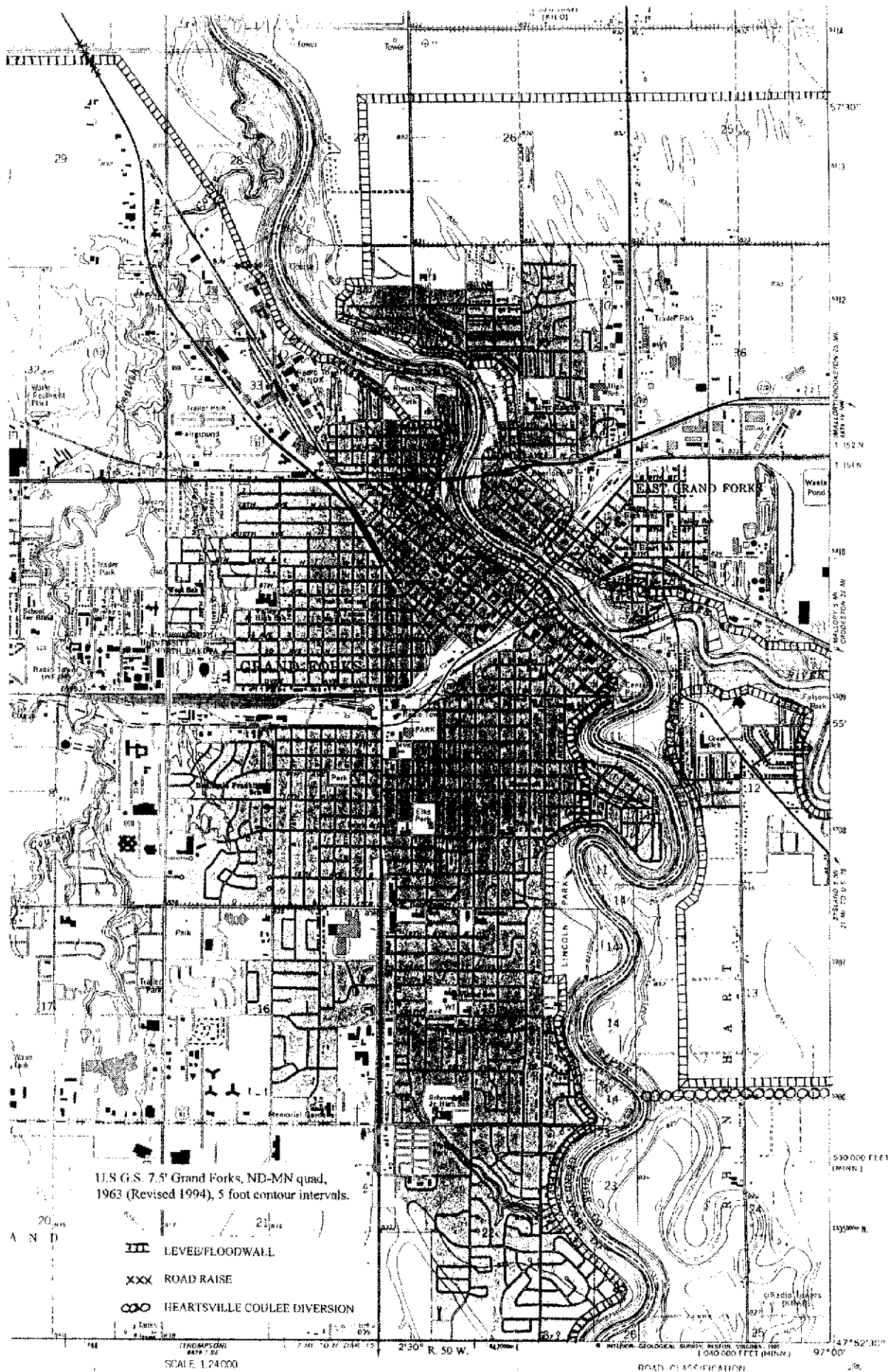


REVISION	DESCRIPTION	DATE	APPROVAL
<b>DRAFT</b>		<b>US Army Corps of Engineers</b> St. Paul District	
RE APPROVING OFFICIAL: GENERAL REEVALUATION REPORT EAST GRAND FORKS, MN & GRAND FORKS, ND FLOOD CONTROL - RED RIVER OF THE NORTH EAST GRAND FORKS & GRAND FORKS FLOOD CONTROL MN & ND LOCATION MAP & VICINITY MAP			
DESIGNER: DT/CA/CB	CHECKED: RGB/MGM	DATE: AUGUST 1998	SCALE: 1" = 100'
DRAWN: CAA	CHECKED: MOL	FILE NAME: GF10R100.DGN	DRAWING NUMBER: PLATE NO. 1
			SHEET 1 OF 165









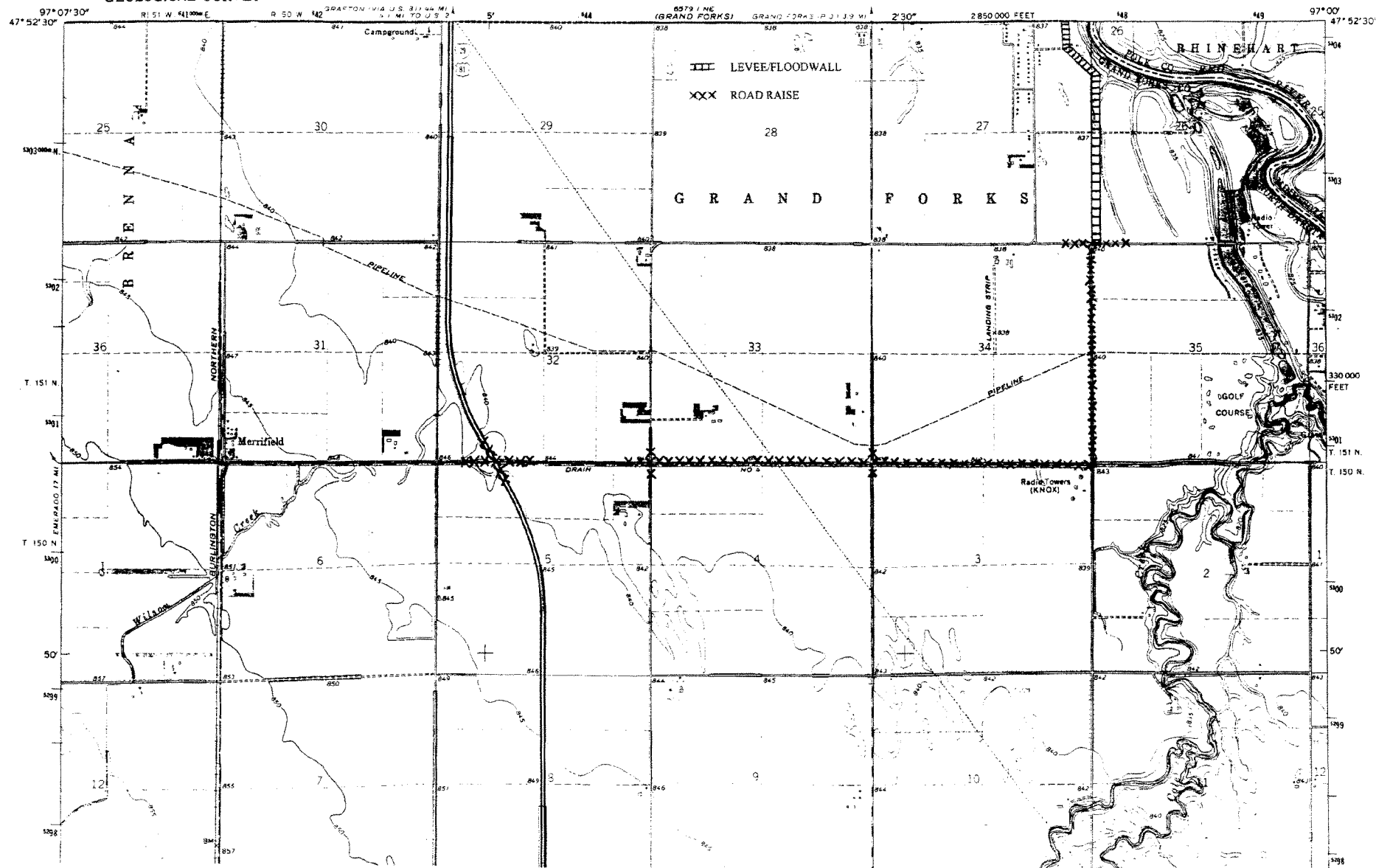




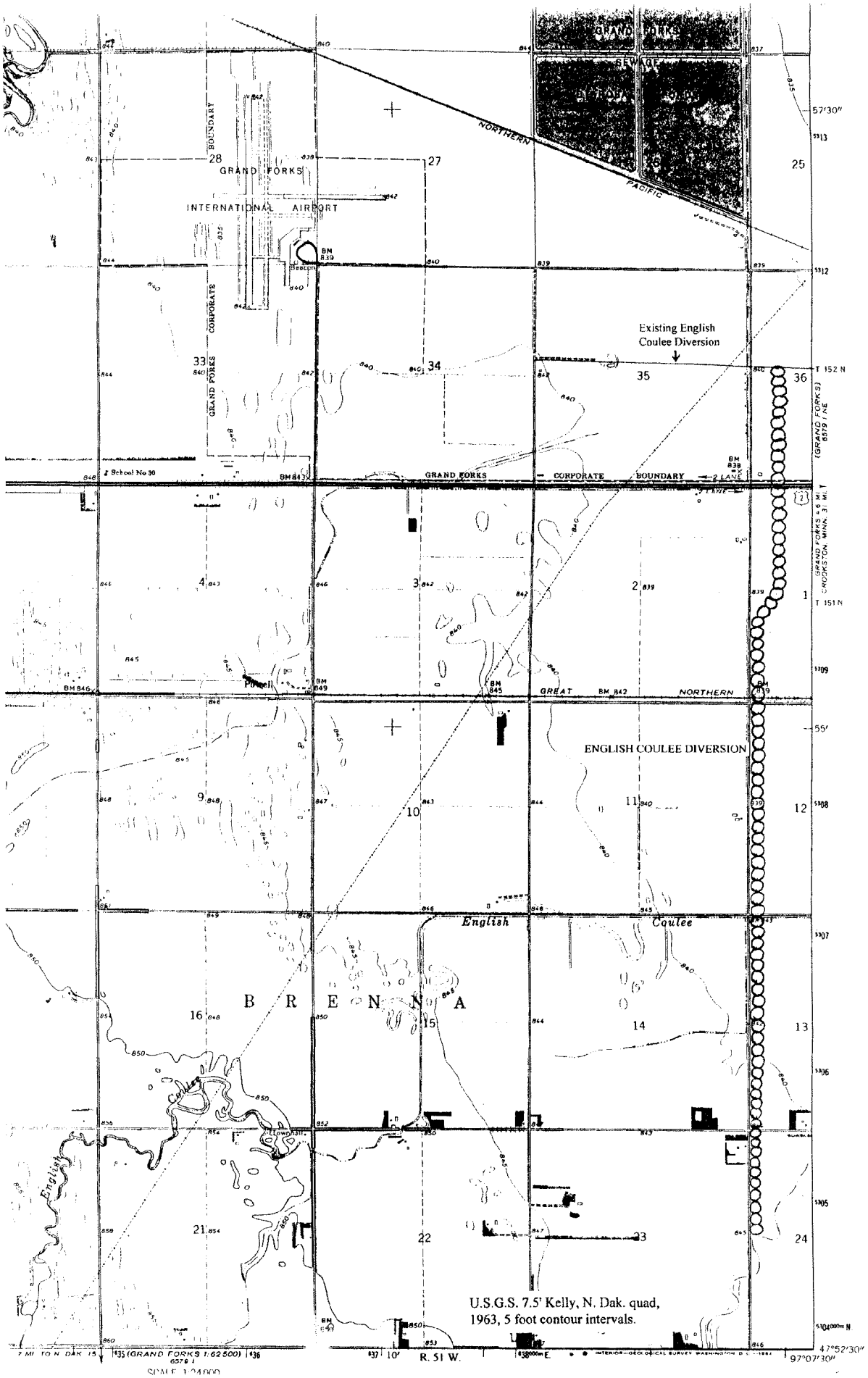


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(KELLY)

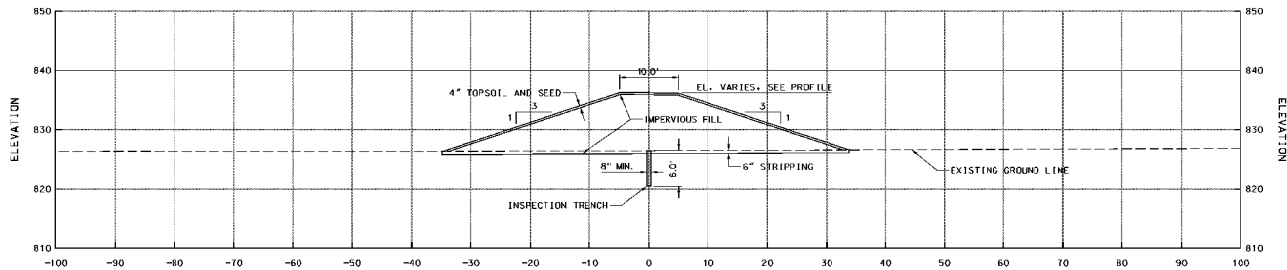
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MAY 21 1968







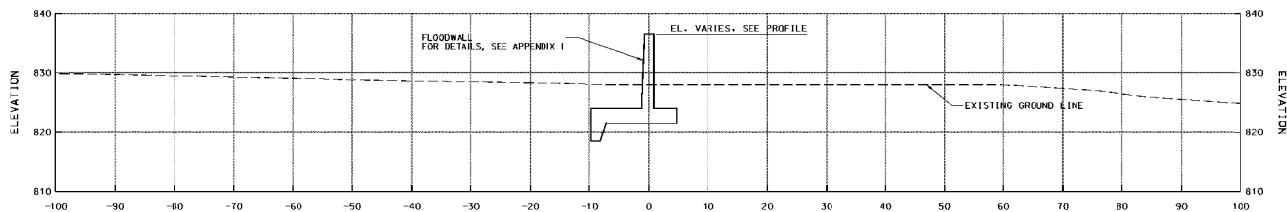




**TYPICAL SECTION**

STA 0+00 TO 63+12.4  
 STA 77+58.3 TO 110+00  
 STA 141+00 TO 149+48.4  
 STA 182+20 TO 191+00  
 STA 219+60 TO 228+74  
 STA 301+40 TO 310+32.1  
 STA 407+00 TO 413+50  
 STA 414+80 TO 417+20  
 STA 423+00 TO 468+60  
 SCALE: AS SHOWN

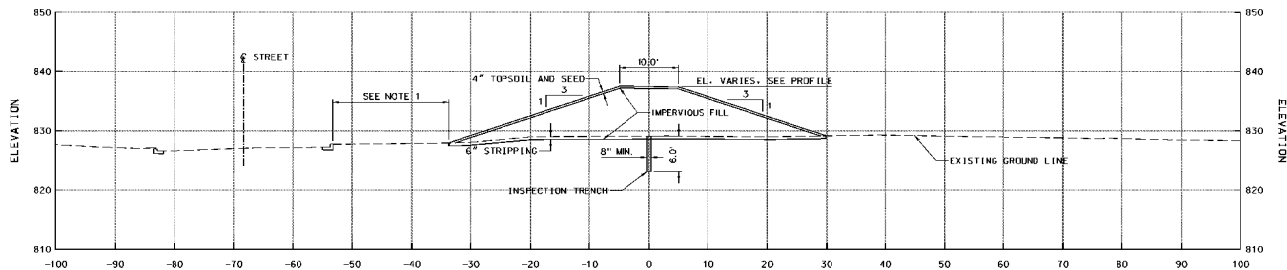
1
6-33
31-33
35-36
38
26, 27
34
32, 33
33-34



**TYPICAL SECTION**

STA 63+12.4 TO 77+58.3  
 STA 149+48.4 TO 154+60  
 STA 159+00 TO 177+66.9  
 STA 228+74 TO 236+63.8  
 STA 310+32.1 TO 318+12.2  
 SCALE: AS SHOWN

2
10, 11
16
17
27
26, 27



**TYPICAL SECTION**

STA 128+40 TO 141+00  
 STA 151+00 TO 208+20  
 STA 236+63.8 TO 245+20  
 SCALE: AS SHOWN

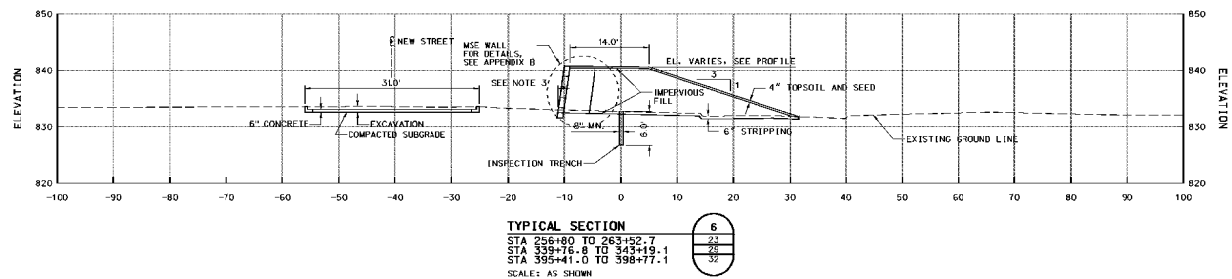
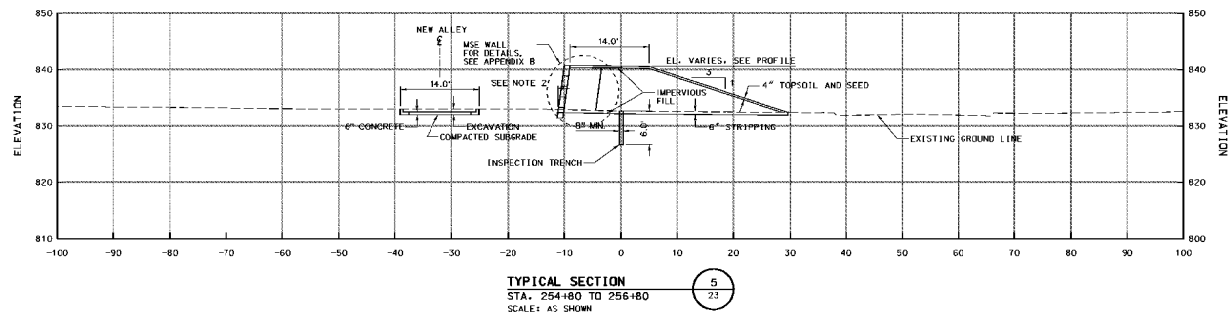
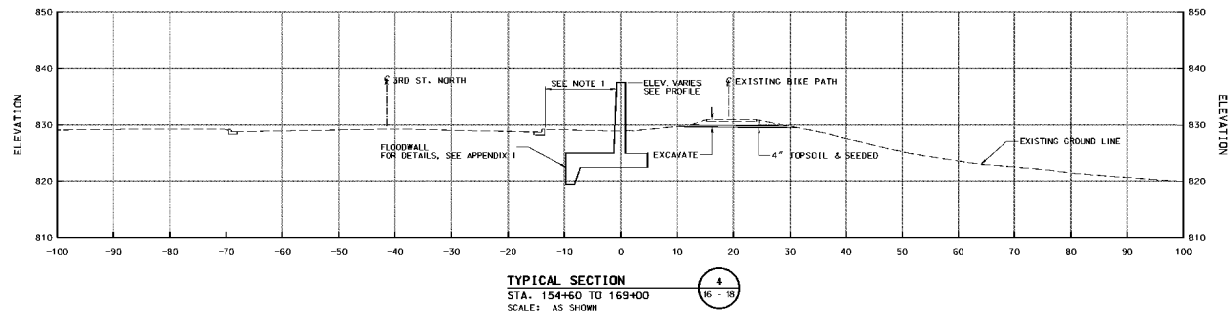
3
14, 15
16
21, 22

**NOTE:**

1. 10' MINIMUM FROM BACK OF CURB TO TOE OF LEVEE.


SYMBOL		DESCRIPTION		DATE	APPROVAL
<b>DRAFT</b>					
AS APPROVING OFFICIAL: DESIGNED: DMF/CWB CHECKED: RCB/MSM DRAWN: JCS DESIGNED: MJS/MDL CHECKED: MDL DATE: AUGUST 1998		GENERAL REEVALUATION REPORT EAST GRAND FORKS, MN & GRAND FORKS, ND FLOOD CONTROL - RED RIVER OF THE NORTH EAST GRAND FORKS & GRAND FORKS, MN & ND <b>FLOOD CONTROL</b> GRAND FORKS TYPICAL SECTIONS 1 - 3 GAD FILE NAME: GFGRCDLGN DRAWING NUMBER: SH# 62 DATE: AUGUST 1998 ROL NO: <b>PLATE NO. 62</b> OF 166			



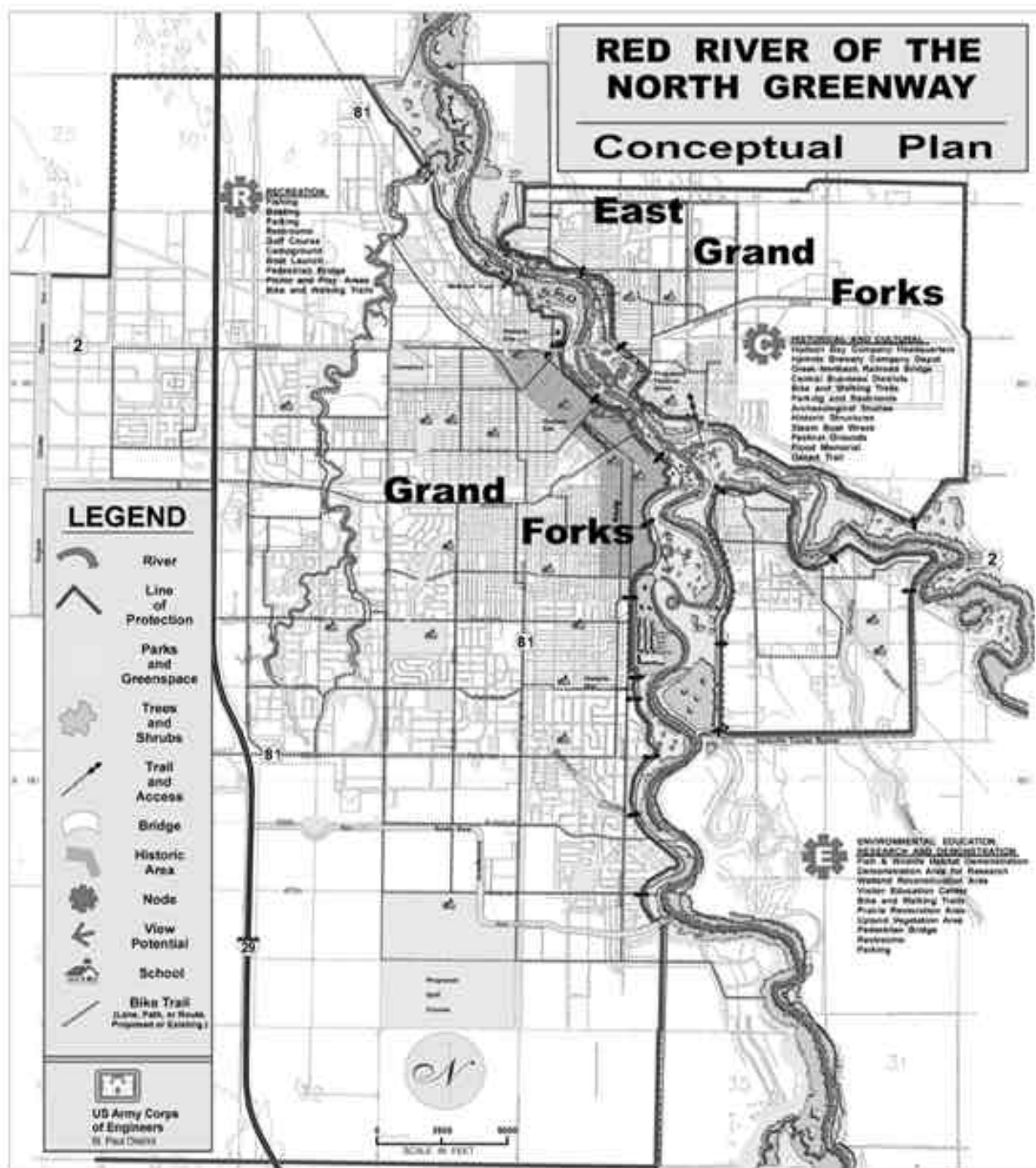


**NOTES:**

1. 10' MINIMUM FROM BACK OF CURB TO FACE OF FLOODWALL.
2. 10' MINIMUM FROM EDGE OF ALLEY TO FACE OF MSE WALL.
3. 10' MINIMUM FROM BACK OF CURB TO FACE OF MSE WALL.

REVISION		DATE		APPROVAL	
DESCRIPTION					
<b>DRAFT</b>				US Army Corps of Engineers St. Paul District	
RE APPROPRIATE OFFICIAL:		GENERAL REEVALUATION REPORT			
		EAST GRAND FORKS, MN & GRAND FORKS, ND			
		FLOOD CONTROL - RED RIVER OF THE NORTH			
		EAST GRAND FORKS & GRAND FORKS MN & ND			
		FLOOD CONTROL			
		GRAND FORKS			
		TYPICAL SECTIONS 4 - 6			
DESIGNER: DMT/CWS	CHECKED: RCB/MSM	DRAWN: JCS		DESIGNER: MJS/MOL	
CHECKED: MOL	DATE: AUGUST 1998		SHEET NO. 63		OF 165







## PROGRAMMATIC AGREEMENT

### APPENDIX C

#### HISTORIC PROPERTIES IN THE PROJECT AREA\*

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NATIONAL REGISTER OF HISTORIC PLACES LISTED PROPERTIES IN OR RIVERWARD  
OF THE PROPOSED LEVEE AND FLOODWALL ALIGNMENTS

Grand Forks

St. Anne's Guest Home	813 Lewis Boulevard	32GF14
R.S. Blome Granitoid Pavement	Lewis Blvd, South 4th St., Elm Ave. and 4th Ave. S.	32GF165
Grand Forks Mercantile Company	124 North 3rd Street	no #
Boom Town Store #1	201 South 3rd Street	32GF1276
Red River Valley Brick Co.	215 South 3rd Street	32GF1280
Viet's Hotel Annex	317 South 3rd Street	32GF1287
Thomas D. Campbell House	2405 Belmont Road	32GF118

East Grand Forks

None.

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NATIONAL REGISTER OF HISTORIC PLACES ELIGIBLE PROPERTIES IN OR  
RIVERWARD OF THE PROPOSED LEVEE AND FLOODWALL ALIGNMENTS

Grand Forks and East Grand Forks

Northern Pacific Railroad Swing Bridge	North of DeMers Avenue	32GF127/no MN #
Sorlie Memorial Bridge	DeMers Avenue	32GF279/32GF1473/ PL-EGC-007

Grand Forks

residence	119 Park Avenue	32GF3084
residence	123 Park Avenue	32GF3112
residence	1412 Lewis Boulevard	32GF207
residence	1422 Lewis Boulevard	32GF211
residence	1502 Lewis Boulevard	32GF214
residence	1508 Lewis Boulevard	32GF216
residence	1518 Lewis Boulevard	32GF221
residence	1618 Lewis Boulevard	32GF230



residence	1605 Riverside Drive	32GF248
residence	411 Woodland Avenue	32GF1635
residence**	613 South 4th Street	32GF1348
residence**	615 South 4th Street	32GF1350
residence	71 - 4th Avenue South	32GF627
residence	417 River Street	32GF1980
residence	419 River Street	32GF1981
residence	421 River Street	32GF1982
residence	502 River Street	32GF1985
residence	105 Reeves Court	32GF1973
residence	517 Reeves Drive	32GF1552
residence	525 Reeves Drive	32GF1555
residence	605 Reeves Drive	32GF1556
residence	613 Reeves Drive	32GF1561
residence	625 Reeves Drive	32GF1565
residence	5 Lincoln Drive	32GF1527
residence**	802 Lincoln Drive	32GF2856
residence	1205 Lincoln Drive	32GF2884
residence	1207 Lincoln Drive	32GF2885
residence	1210 Lincoln Drive	32GF2886
residence	21 Euclid Avenue	32GF2253

#### East Grand Forks

None.

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 PROPERTIES IN AND RIVERWARD OF THE PROPOSED LEVEE AND FLOODWALL  
 ALIGNMENTS WHOSE NATIONAL REGISTER OF HISTORIC PLACES ELIGIBILITY  
 STATUS HAS NOT YET BEEN DETERMINED

#### Grand Forks and East Grand Forks

Kennedy Bridge	U.S. Hwy 2/Gateway Drive	no #
Point Bridge	Minnesota Ave/1st St SE	no #

#### Grand Forks

City Waste Water Shop (5 buildings) North	20th Street	no #
Residual Materials (1 commercial bldg)	222 Red Dot Place	no #
residence	117 Park Avenue	no #
Riverside Park WPA Bathhouse and Pool	Riverside Park	32GF202
Riverside Park pumphouse	Riverside Park	no #
residence	1407 Lewis Boulevard	32GF205
residence	1411 Lewis Boulevard	32GF206
residence	1415 Lewis Boulevard	32GF208
residence	1417 Lewis Boulevard	32GF209



residence	1423 Lewis Boulevard	32GF212
residence**	1724 Lewis Boulevard	32GF239
commercial building	630 North 3rd Street	no #
commercial buildings (2)	700 North 3rd Street	32GF757/32GF758
commercial building	119 DeMers Avenue	no #
commercial buildings (2)	121 DeMers Avenue	32GF1475/32GF1476
commercial building	202 DeMers Avenue	32GF1477
commercial building	105 South 3rd Street	no #
commercial building	135 South 3rd Street	32GF1274
commercial building**	137 South 3rd Street	32GF1275
commercial building	213 South 3rd Street	32GF1278
city water treatment plant (4 bldgs)	501 South 3rd Street	no #
city building	521 South 3rd Street	no #
residence	1127 Reeves Drive	?
residence	1300 Lincoln Drive	?
residence	212 Euclid Avenue	32GF2269
Lincoln Park Clubhouse	Lincoln Park off Elks Drive	no #
townhouse	2377 Belmont Road	no #
townhouse	2379 Belmont Road	no #
townhouse	2381 Belmont Road	no #
townhouse	2383 Belmont Road	no #
townhouse	2385 Belmont Road	no #
townhouse	2387 Belmont Road	no #
townhouse	2389 Belmont Road	no #
townhouse	2391 Belmont Road	no #
residence	227 Northridge Hills Court	no #
residence	109 Grassy Hills Lane	no #
residence	112 Grassy Hills Lane	no #
residence	115 Grassy Hills Lane	no #
residence**	4619 Loamy Hills Place	no #
residence	4620 Loamy Hills Place	no #
residence	34 Rivers Edge Drive	no #

#### East Grand Forks

City Parks Department building	2nd Street NW	no #
residence	812 - 3rd Street NW	no #
residence	1001 - 10th Street NW	no #
residence	1623 River Road NW	no #
residence	117 - 9th Avenue NW	no #
Blue Moose Bar and Grill	108 DeMers Avenue	no #
warehouse (abandoned)	113 - 1½ Street NE	no #
Commercial Printing	309 - 2nd Street NE	no #
Old City Water Plant (abandoned)	2nd Street NE	no #
Green's Garden Center (12 buildings)	Business Highway 2	no #
Fraternal Order of Eagles	101 - 2nd Avenue SE	no #



residence	201 - 3rd Avenue SE	no #
residence	206 - 3rd Avenue SE	no #
Riverside Drive Inn restaurant	203 - 1st Street SE	no #
Murray Bridge	Hwy 220-Red Lake River	no #

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 PREHISTORIC AND HISTORIC ARCHAEOLOGICAL SITES IN AND RIVERWARD OF THE  
 PROPOSED LEVEE AND FLOODWALL ALIGNMENTS WHOSE NATIONAL REGISTER OF  
 HISTORIC PLACES ELIGIBILITY STATUS HAS NOT YET BEEN DETERMINED  
 [INVENTORY INCOMPLETE]

Grand Forks County, North Dakota

prehistoric material scatter	T152N-R50W-S28	32GF130
patio at ____ Riverside Drive	T152N-R50W-S34	32GF126
boat dock remains	T152N-R50W-S34	32GF131
boat dock remains	T152N-R50W-S34	32GF132
chapel/patio at ____ Riverside Drive	T152N-R50W-S34	32GF2087
riverboat docks	T151N-R50W-S03	32GF133
site lead to Red River steamboat docks	T151N-R50W-S03	32GFx22/x42
site lead to steamboat wreck upstream of Sorlie Memorial Bridge	T151N-R50W-S03	32GFx233
site lead to Indian cemetery (relocated)	T151N-R50W-S03	32GFx234
historic material scatter	T151N-R50W-S02	32GF134
prehistoric/historic material scatter	T151N-R50W-S02	32GF135

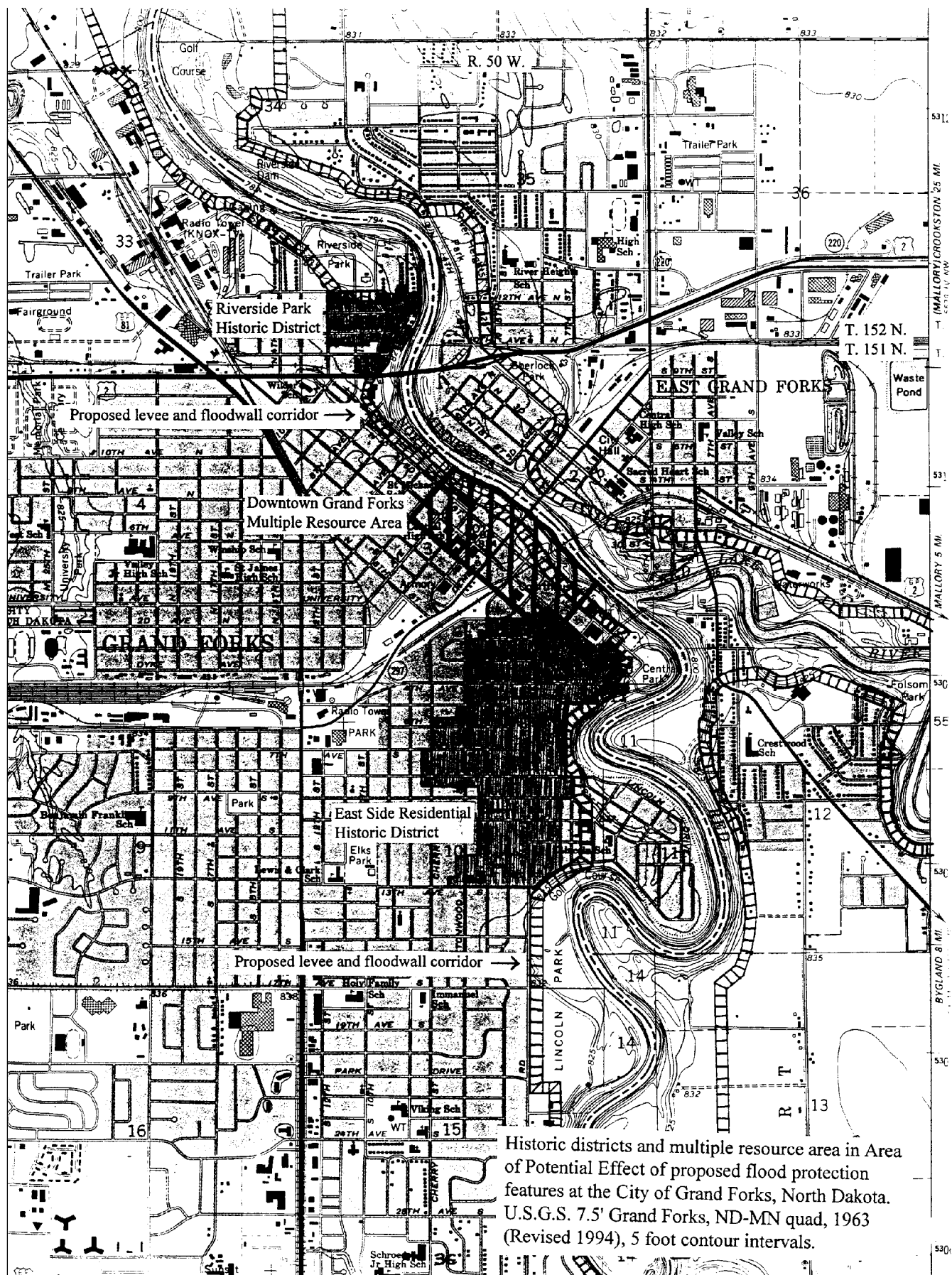
Polk County, Minnesota

site lead to trading post	T151N-R50W-S02	21PLf
prehistoric lithic scatter, historic sawmill & early 20th century landfill	T151N-R50W-S01	21PL17
site lead to Nash cabin	T151N-R50W-S01	BC8.1 W956

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 \*NOTE: The above lists do not include those historic properties acquired by the City of Grand Forks or the City of East Grand Forks under their 1997 flood buy out programs. The above lists only include those historic properties or potential historic properties located in the proposed levee and floodwall alignment footprints and riverward of them. Historic properties landward of the proposed levee and floodwall alignments are not listed though they may suffer visual impacts due to levee and floodwall construction and/or nearby historic property demolition or relocation.

\*\* These properties may be acquired by the City of Grand Forks under their 1997 flood buy out program.







## **PROGRAMMATIC AGREEMENT**

### **APPENDIX D**

#### **PUBLIC INPUT OPPORTUNITIES**

The St. Paul District, U.S. Army Corps of Engineers and the Cities of Grand Forks and East Grand Forks have and will continue to disseminate information to and solicit input from the general public, local and state officials, and Indian tribes in the region through a combination of the following methods:

1. City-wide and neighborhood meetings in Grand Forks and East Grand Forks;
2. County meetings in Grand Forks County, North Dakota, and Polk County, Minnesota;
3. The Flood Protection Update newsletter which reaches 1100 members of the general public and 200 local and state government officials;
4. Extensive newspaper coverage in the Grand Forks Herald;
5. The St. Paul District, U.S. Army Corps of Engineers' web page on the Internet ([www.mvp.usace.army.mil](http://www.mvp.usace.army.mil));
6. A presentation on the effects of the proposed flood protection alternatives on historic buildings to the Grand Forks Historic Preservation Commission and interested public in January 1998;
7. Workshops on the proposed Greenway along the Red River of the North;
8. Preparation of the draft EIS scoping document;
9. Public meeting on the draft East Grand Forks/Grand Forks Flood Protection General Reevaluation Report and draft EIS, including the draft Programmatic Agreement, during the 45-day public review and comment period in August and September 1998; and,
10. Availability of treatment and mitigation plans, technical papers, and documentation prepared pursuant to the terms of this PA at the Minnesota and North Dakota State Historic Preservation Offices, with the Grand Forks Historic Preservation Commission, with the City of Grand Forks Office of Urban Development, and with Floan & Sanders, City Engineers for the City of East Grand Forks.
11. Annual presentations to the Grand Forks Historic Preservation Commission and interested public on the status of completed, ongoing, and upcoming Project-related cultural resources work conducted pursuant to this Programmatic Agreement, to be given through the end of Project construction (ca. 2005).